

\_\_\_\_\_  
**Court of Washington**  
**County of** \_\_\_\_\_

<p>_____ Plaintiff</p> <p>vs.</p> <p>_____ Defendant</p> <p>DOB: _____</p>	<p><b>No.</b></p> <p><b>Order for Misdemeanor Competency Restoration Treatment</b></p> <p><input type="checkbox"/> <b>Out of Custody</b>   <input type="checkbox"/> <b>In Custody</b></p> <p><input type="checkbox"/> <b>Inpatient Treatment (CRORIP)</b></p> <p><input type="checkbox"/> <b>Outpatient Treatment (CROROP)</b></p> <p><input type="checkbox"/> <b>Combination of Treatments (CROR)</b></p> <p><b>Clerk's action required: 6, 7, 11, <input type="checkbox"/> 12</b></p>
--	---

The court finds the following facts:

**Findings of Fact and Procedural Setting:**

1.     **Competency to Stand Trial.** The court finds by a preponderance of the evidence that, as a result of mental disease or defect, the defendant lacks the capacity to:  
  
      ☐ understand the nature of the proceedings against them, and/or  
      ☐ assist in their own defense.  
  
      The defendant is not competent to stand trial, pursuant to RCW 10.77.010 and RCW 10.77.050.
  
2.     **Compelling State Interest.** The prosecutor has objected to dismissal and moved for an order of competency restoration. Following a hearing, the court finds there is a compelling state interest to order competency restoration treatment for the defendant.
  
3.     **Procedural Setting.** The court finds by clear and convincing evidence that the defendant is charged with a non-felony offense that is a serious offense as defined in RCW 10.77.092.  
  
      ☐ The defendant is charged in this case with a crime listed in RCW 10.77.092(1) as a serious offense.  
  
      Or:

[ ] The court has determined that the defendant is charged in this case with a serious offense pursuant to RCW 10.77.092(2). In making that determination, the court has taken into consideration the following factors:

- The extent to which the charge includes an allegation that the defendant actually inflicted bodily or emotional harm on another person or that the defendant created a reasonable apprehension of bodily harm.
- The extent of the impact of the alleged offense on the basic human need for security of the citizens within the jurisdiction.
- The number and nature of related charges pending against the defendant.
- The length of potential confinement if the defendant is convicted.
- The number of potential and actual victims or persons impacted by the defendant's alleged acts.

4. **Developmental Disability.** The court finds the defendant [ ] has [ ] does not have a developmental disability.

**Conclusion of Law:**

5. Competency restoration treatment should be provided.

**The Court Orders:**

6. **Competency Restoration Treatment.** The court orders the defendant into a program for mental health treatment and restoration of competency, as described below. Any facility or provider providing services in accordance with this order shall be referred to as the "treatment facility." The treatment facility shall promptly notify the court and all parties of the date on which the competency restoration period commences by admission to the treatment facility and expires by discharge from the treatment facility so that a timely hearing date may be scheduled.

[ ] **Inpatient Treatment (CRORIP)** - The defendant shall be placed in the custody of the Secretary of the Department of Social and Health Services (DSHS) to undergo evaluation and treatment pursuant to RCW 10.77.088. The placement under this section shall not exceed 29 days. The length of the placement includes only the time the defendant is actually at the treatment facility and shall be in addition to reasonable time for transport to or from the treatment facility.

[ ] **Outpatient Treatment (CROROP)** - The defendant shall be placed on conditional release for up to 90 days for mental health treatment and restoration of competency pursuant to RCW 10.77.088. DSHS has certified, as of the date of this order, that there is an available appropriate outpatient restoration program that has adequate space for the defendant at the following outpatient restoration program:

Note: Outpatient competency restoration programs are being phased in over several years. There may not be one available in your area. Before you order outpatient competency restoration treatment, please check with DSHS before issuing the order.

The defendant is clinically appropriate for outpatient competency restoration treatment. The defendant has indicated a willingness to adhere to medications or receive prescribed intravenous medication, and to abstain from alcohol and unprescribed drugs. The defendant must reside in housing approved by DSHS,

adhere to medications or receive prescribed intramuscular medications, abstain from alcohol and unprescribed drugs, and follow any rules and conditions for participation established by DSHS.

- ☐ **A combination of Inpatient Treatment and Outpatient Treatment (CROR)** under RCW 10.77.088, not to exceed 90 days, as follows:

---

---

**Medication.** The treatment facility is authorized to administer clinically appropriate, voluntary medication for the purpose of competency restoration.

- ☐ The issue of a need for an involuntary medication order has been raised.

☐ See separate order regarding involuntary medications.

☐ The issue of an involuntary medication order is deferred and may be addressed in a separate hearing.

7. **Access to Records.** The treatment facility and DSHS shall be entitled to receive any of the information described in RCW 10.77.060, whether the information is held by another mental health, medical, or education facility, a jail or other correctional facility, or elsewhere.

**Within 24 hours** of the signing of this order:

- The **clerk of the court** shall provide this order and the charging documents, including the request for bail and certification of probable cause to DSHS. If the competency evaluation was provided by an independent expert, the clerk of the court shall also provide DSHS with a copy of all previous court orders related to competency or criminal insanity and a copy of any of the evaluation report/s.

☐ Instead of the clerk of the court providing these documents, they shall be provided by \_\_\_\_\_.

- The **prosecuting attorney** shall provide the discovery packet, including a statement of the defendant's criminal history, to DSHS. **If the defense provides this information, the prosecuting attorney shall be included in the communication so that duplicates are not sent.**
- The **jail administrator** shall provide the defendant's medical clearance information to DSHS if this order requires transportation of the defendant to a facility designated by DSHS.

8. **Evaluation and Report.** The treatment facility shall evaluate the defendant's competency to stand trial before the end of any inpatient treatment period. If outpatient treatment is ordered, the court will issue a separate evaluation order. The treatment facility shall prepare a written report with the results. The report shall ordinarily be distributed by the treatment facility within 2 business days of the final evaluation.

- ☐ **Defense Attorney Presence.** The defense requests notification of the time and place of the evaluation at the contact information provided below.

The defense attorney may be contacted at: \_\_\_\_\_.  
(Only check this box if defense counsel wants notice and the opportunity to be present.)

DSHS shall contact the defense attorney regarding scheduling within a reasonable time.

☐ The evaluation may proceed without the defense attorney present if notice has been provided.

☐ The evaluation may not proceed without the defense attorney present. The current criminal charge(s) shall not be discussed with the defendant outside the forensic interview.

☐ **A defense expert** has been appointed under RCW 10.77.060 and DSHS is directed to contact the defense attorney to determine whether the expert will be witnessing DSHS's evaluation.

**Contents of Report.** The report shall include all of the contents required in the initial Order for Competency Evaluation.

☐ Additional requirements of report (if any): \_\_\_\_\_.

**Copies of Report.** DSHS shall furnish a copy of the written report of the results of the evaluation to the court, the prosecutor, the defense attorney, the designated crisis responder (DCR) for the county of \_\_\_\_\_, and the Jail/Detention facility (if the defendant is currently held in the detention facility).

**9. Transportation and Admission to the DSHS Designated Facility.** This section is only applicable if the defendant will be undergoing inpatient restoration.

☐ **In-custody Defendant:** The defendant shall be transported and admitted to the treatment facility by the earlier of 7 days of DSHS' receipt of this order or 14 days from the date of this order as required by statute and case law, including *Trueblood v. Washington State Dep't of Soc. and Health Servs.*, 101 F. Supp. 3d 1010 (W.D. Wash. 2015), *vacated on other grounds*, 822 F.3d 1037 (9th Cir. 2016); [\*Trueblood v. Washington State Dep't of Soc. and Health Servs.\*, No. C14-1178 MJP](#), 2017 WL 1488479, 2017 U.S. Dist. LEXIS 65532 (W.D. Wash. Apr. 26, 2017) (Order Adopting (in Part) the Parties' Mediated Settlement Agreement).

The jail/detention facility shall transport the in-custody defendant from the jail/detention facility to the treatment facility designated by DSHS and back. Transportation to the treatment facility shall occur within 1 day of the receipt of an offer of admission of the defendant for restoration treatment.

☐ **Inpatient Defendant:** The defendant is currently admitted to a DSHS designated facility.

☐ **Out-of-custody Defendant:** Within 2 court days of entry of this order, the defendant's attorney shall contact DSHS to coordinate an admission date. The defendant shall report to the DSHS designated facility as directed by DSHS. The defendant shall obtain medical clearance prior to admission and shall follow the instructions of DSHS regarding medical clearance.

**10. Discharge.** Any treatment facility providing inpatient services related to competency shall discharge the defendant as soon as the treatment facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report.

The treatment facility shall promptly notify the court and all parties of the date on which the competency restoration period expires by discharge from the treatment facility so that a timely hearing date may be scheduled.

If the defendant is discharged to the jail/detention facility, the jail/detention facility must continue the medication regimen prescribed by the DSHS designated facility, when clinically appropriate, unless the defendant refuses to cooperate with medication and there is no forced medication order in effect.

11. **Next Hearing.** The next hearing date is scheduled for (*date*) \_\_\_\_\_  
at \_\_\_\_\_ a.m./p.m., at (*location*) \_\_\_\_\_.

[ ] A separate scheduling order shall be filed, if required by local practice. (This date must be prior to the expiration of the current restoration period.)

If the treatment program is an outpatient program, the defendant is ordered to appear in this court for the next hearing.

If the defendant is admitted to a treatment facility designated by DSHS from a jail/detention facility, the defendant shall be returned to the jail/detention facility before this court date, except as provided below:

[ ] All parties [ ] agree to waive the presence of the defendant or [ ] agree to the defendant's remote participation at a subsequent competency hearing or to the presentation of an agreed order if the opinion of the treatment facility is that the defendant remains incompetent and the hearing is held prior to the expiration of the current commitment period. **The report must be provided to the parties with sufficient time to accommodate remote participation for entry of a continued restoration order.**

12. [ ] **Interpreter.** The defendant requires the services of an interpreter in the following language \_\_\_\_\_.

13. **Time for trial period remains tolled.** The running of the time for trial period in this case remains tolled, pursuant to CrRLJ 3.3, until this court enters a written order finding the defendant to be competent.

14. **Firearm Restriction.** The defendant shall immediately surrender any concealed pistol licenses and the defendant may not possess a firearm unless the defendant's right to do so is restored by a court of record. The *Notice of Ineligibility to Possess a Firearm* is filed separately.

15. **Other.** \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
**Judge**

Print Name: \_\_\_\_\_

Approved as to form

Approved as to form

\_\_\_\_\_  
Deputy Prosecuting Attorney

\_\_\_\_\_  
Attorney for the Defendant

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

WSBA No. \_\_\_\_\_

WSBA No. \_\_\_\_\_

**Contact and distribution list** (contact information including email address, phone and/or fax number, should be provided below to receive scheduling communications and/or reports).

1. State Hospital/DSHS

[ ] Eastern State [eshfsuadmin@dshs.wa.gov](mailto:eshfsuadmin@dshs.wa.gov)

[ ] Western State [ofmhscourtorders@dshs.wa.gov](mailto:ofmhscourtorders@dshs.wa.gov)

[ ] DSHS/Child Study and Treatment Center

2. Ordering Court

3. Jail/Detention facility

4. Designated Crisis Responder

5. Prosecuting Attorney

6. Defense Attorney

7. Alternate contact for defense

8. Other